

8 a transmitter communicatively coupled to the signal processing unit and
used to communicate a pilot signal strength message from the mobile station to
10 another station; and

12 a storage unit coupled to the measuring unit and used to save data from
the received pilot signal strength messages during the predetermined interval,
wherein the messages are collected and saved regardless of the pilot signal
14 strength, and

16 wherein the signal processing unit revises the set of parameters for the
cellular network in accordance with the data received from the pilot strength
measurement messages.

23. (New) The apparatus in accordance with claim 22, wherein the
2 signal processing unit includes the measuring unit.

REMARKS

Claims 4-10 were reviewed by the Examiner. Claims 4-10 were rejected pursuant to 35 U.S.C. 112, first paragraph, as containing subject matter not contained in the specification. Claims 8-9 were also rejected pursuant to 35 U.S.C. section 112, second paragraph, as being indefinite.

In response, the claims have been amended to better define the invention. Argument is included to help in understanding the present invention. New claims 11-23 have been added corresponding to apparatus embodiments of the invention. No new matter was added.

Rejections Pursuant to 35 U.S.C. 112, First Paragraph

Claims 4-10 were rejected as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Specifically, it is stated that “the original specification fails to disclose the limitations “regardless of the measurement value” as recited in claim 4, and “regardless of the strength of pilot” as recited in claim 10. The rejection cites to page 9, line 29 to page 10, line 6, of the specification, maintaining that the pilot strength is measured and transmitted to the base station only if the pilot strength satisfies three conditions, *not regardless of the measurement value as recited in the claims.* (Emphasis in original.) Applicant respectfully disagrees.

Claims 4 and 10

Claim 4 discloses a method including steps for “collecting” and “saving” pilot strength measurements. (Lines 3-6.) Once collected, the pilot strength measurements are not necessarily “transmitted” to a base station. For example, the information might be communicated by land-line to a base station. Or a message indicating proposed modifications to the transmission characteristics “for each base station” might be transmitted, but not the pilot strength measurements.

At page 9, line 29 through page 10, line 6, the specification discusses a “Pilot Strength Measurement Message.” “ In the exemplary embodiment, a “mobile station 2 generates and transmits a Pilot Strength Measurement Message (PSMM) following detection of a change in the strength of a pilot under the three following conditions:”. The PSMM “identifies the pilot [signals] and provides a

corresponding pilot energy." (Specification, page 10, line 9.) Only pilot signals contained in the PSMM are subject to the three conditions mentioned by the examiner.

To find pilot signals that might be considered for inclusion in the PSMM if they satisfy the three conditions, "[m]obile station 2 continuously or at intermittent intervals measures the strength of pilot signals of base stations 4." (Specification, page 8, lines 21-22.) Further, [m]obile station 2 measures the strength of received pilot signals." (Specification, page 8, line 34.) "Each base station 4 transmits a pilot signal which uniquely identifies that base station." (Specification, page 6, lines 36-37.) In one embodiment, these pilot strength messages may be saved regardless of their strength.

Lastly, to further define these embodiments of the method, claims 4 and 10 have been amended.

Claims 5-9

Dependent claims 5-9 depend either directly or indirectly from independent claim 4. A dependent claim is allowable if it depends from an allowable independent claim. Accordingly, because independent claim 4 is in condition for allowance, dependent claims 5-9 are also in condition for allowance.

Rejections Pursuant to 35 U.S.C. 112, Second Paragraph

As suggested by Examiner Vo, the recitation "said at least one base station" as used in claims 8-9 lack clear antecedent basis and therefore may be deemed indefinite. These claims have been amended to clear up the indefiniteness issue.

Respectfully submitted,

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